

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Colton James Rood,  
Plaintiff,

v.

Isaac Lockwood, et al.,  
Defendants.

No. 2:20-cv-0271 KJM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 20, 2023, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. ECF No. 75. Defendants have filed objections to the findings and recommendations. ECF No. 76.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed defendant's video evidence lodged with the court and also reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis. The court notes in particular video evidence a jury could determine shows one officer initiating a shoving motion

1 and pushing plaintiff down a set of stairs. There are also long periods of video during which no  
2 interactions between plaintiff and officers are captured, with what a jury could conclude is  
3 significant activity off screen.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The findings and recommendations filed September 20, 2023 (ECF No. 75) are  
6 adopted in full;

7 2. Defendants' motion for summary judgment (ECF No. 63) is granted in part and denied  
8 in part as follows:

9 a. Denied as to plaintiff's excessive force, deliberate indifference, and food  
10 tampering claims; and

11 b. Granted as to plaintiff's retaliation claim;

12 3. This case proceeds on the claims for excessive force against defendants Lockwood,  
13 Vangerwen, Hurte, and Jurkiewicz; deliberate indifference against Lockwood and Vangerwen;  
14 and unconstitutional conditions of confinement against Vangerwen; and

15 4. This matter is referred back to the assigned magistrate judge for all further pretrial  
16 proceedings.

17 DATED: October 4, 2024.

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20 UNITED STATES DISTRICT JUDGE  
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